IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.1375 OF 2006

Shri Rajendra Ramchandra Kavalekar : Petitioner

V/s.

State of Maharashtra & Ors. : Respondents

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Mr.P.M.Havnur for the petitioner.

Mrs.V.R.Bhosale, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 5, 2006.

P.C.

1. Heard the learned Advocate for the petitioner and the learned Addl. Public Prosecutor for the State.

2. R.C. Case No.1(A)/2004 registered under sections 120B, 420, 467, 468, 471 of the Indian Penal Code and section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 is pending before the Special Judge (C.B.I.), Ranchi, Jharkhand. The prayer in this petition is for quashing that case.

3. The learned counsel for the petitioner contended that

a Division Bench of this Court (A.P.Shah & S.J.Vazifdar, JJ.) in O.O.C.J. Writ Petition No.71 of 2001 and other connected petitions passed an order on 19.3.2001, but this order, even though it applies to the case of the petitioner, was not considered by the Court in Jharkhand when the petitioner applied for anticipatory bail.

4. From the submissions made by the petitioner's Advocate, it is clear that the Jharkhand Court is seized of the matter. It is the C.B.I. Court. All papers and documents pertaining to the case mentioned above are in the custody and possession of the said Court and, therefore, it will not be proper for this Court to entertain this petition for quashing the proceedings.

5. We, therefore, dispose of this petition with a direction that for six weeks from today, the petitioner will not be arrested in case No.1(A)/2004 registered under section 120B, 420, 467, 468, 471 of the Indian Penal Code and section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 before the Special Judge (C.B.I.), Ranchi, Jharkhand, in order to enable the petitioner to move the appropriate Court. We hope that the Court in Jharkhand will keep in mind the unreported order of the Division Bench of this Court (A.P.Shah & S.J.Vazifdar, JJ.) in O.O.C.J. Writ Petition No.71 of 2001 and other

connected petitions decided on 19.3.2001.

6. This petition is disposed of with the above directions.

7. Certified copy expedited.

D.G. DESHPANDE, J.

S.A. BOBDE, J.